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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/186,902 11/06/98 PUNG

D 6937

EXAMINER

IM22/0411

DARRYL C LITTLE  
THE PROCTER & GAMBLE COMPANY  
11520 REED HARTMAN HIGHWAY  
CINCINNATI OH 45241

TORRES VELAZQUEZ, N

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b> 09/186,902	<b>Applicant(s)</b> PUNG ET AL.	
	<b>Examiner</b> Norca L. Torres-Velazquez	<b>Art Unit</b> 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JAMES et al. (US 5,674,591) in view of BLIESZNER et al. (US 5,648,083) and PREGOZEN (US 5,141,803).

JAMES et al. discloses nonwoven fabric comprising a substantially planar background portion; and at least one raised portion integrally forming a three-dimensional pattern projected out of the planar background portion, said background portion and said at least one raised portion having an equal basis weight and density. Further, the reference discloses that the fabric includes a transition region between the raised portion and the background portion, and that the transition region has a basis weight different from the raised portion and the background portion. (Refer to claims 1 and 2).

However, the reference does not disclose an aqueous liquid cleansing composition.

BLIESZNER et al. discloses personal care compositions and wipe products containing the compositions. BLIESZNER et al.'s compositions are emulsions containing water, a protective barrier agent that includes silicone oil, and an emulsifier. The composition also contains at least one additional component selected from water-soluble polyols, pH-adjusting

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agents, anti-microbial agents and chelating agents. Additional ingredients, e.g. fragrance; skin soothing aids, moisteners, humectants and emollients; powders and the like may also be included in the composition. (Column 4, lines 11-19).

However, the reference does not disclose the concentration of the different components of the cleansing composition.

PREGOZEN discloses an aqueous composition for impregnating a nonwoven wipe having a pH of from 3.5 to 4.5, and moistened wipe, impregnated with the aqueous composition. (Abstract).

PREGOZEN discloses concentrations of 0.2 to 10 weight-percent for skin moisturizers and humectants, 0.02 to 5 weight-percent for skin softeners and emollients. (Column 4, lines 40-44). The surfactant will generally be employed at a concentration of 0.02 to 10 percent by weight bases on the weight of the aqueous composition. (Column 4, lines 60-62). PREGOZEN also teaches the use of citric acid to adjust the pH of the composition. (Column 4, lines 20-26). The reference also teaches the use of a preservative system, it uses cationic biocides in the ranges of about 0.03 to about 0.24% of the aqueous composition. (Column 4, lines 9-13).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the non-woven fabric disclosed by JAMES et al. to have an aqueous cleansing composition with an acid, moisturizing agent, and an antimicrobial active for the purpose of providing consumers with a alcohol-free wipes that have antimicrobial effect. (As disclosed by PREGOZEN).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-

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5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

  
nlt

April 5, 2001

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700